

ORDINANCE NO. 672

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, REPEALING CHAPTER 9.62 OF THE CATHEDRAL CITY MUNICIPAL CODE AND ADOPTING A NEW CHAPTER 9.62 TITLED "SIGNS" OF THE CATHEDRAL CITY MUNICIPAL CODE AND APPROVING THE NEGATIVE DECLARATION IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City Council desires to preserve and enhance the visual aspects of the City of Cathedral City ("City") and to promote the orderly and attractive construction, placement, and display of signs throughout the City; and

WHEREAS, when left unregulated, signs can result in traffic and pedestrian safety hazards and can detract from, rather than enhance, the character of the community; and

WHEREAS, this Chapter is intended to create standards that will promote the health, safety, and general welfare of the City by regulating the design, material, construction, illumination, location and maintenance of all signs and sign structures; and

WHEREAS, the City Council recognizes the value and importance of signs, and desires to maintain and preserve the freedom of speech; and

WHEREAS, the City of Cathedral City, acting as Lead Agency, has determined that this Sign Ordinance will not have a significant impact on the environment; and

WHEREAS, the public hearing of the City of Cathedral City Planning Commission on the proposed Sign Ordinance and the proposed approval of the Negative Declaration of Environmental Impacts has been duly noticed pursuant to requirements of the California Environmental Quality Act ("CEQA"); and

WHEREAS, after conducting the duly noticed public hearing, the City of Cathedral City Planning Commission has recommended that the City Council adopt the Sign Ordinance and approve the Negative Declaration; and

WHEREAS, the provisions and prohibitions for the control of signs adopted by this Ordinance are enacted in furtherance and for the purpose of securing and promoting the public health, safety, and general welfare of the City and its residents.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1.

REPEAL CHAPTER 9.62

Chapter 9.62 of the Cathedral City Municipal Code is hereby repealed in its entirety.

Section 2.

ADOPT A NEW CHAPTER 9.62 "SIGNS"

Chapter 9.62 "Signs" of the City of Cathedral City Municipal Code is hereby adopted to read as follows:

CHAPTER 9.62 - Signs

9.62.010 Purpose and Intent

- A. This chapter is intended to implement the goals and policies of the general plan of the City of Cathedral City by preserving and enhancing the visual aspects of the city and to promote the orderly and attractive construction, placement, and display of signs throughout the City of Cathedral City. Other interests served include the promotion of tourism and commerce and the overall quality of life as affected by signs. These general provisions serve as specific development standards to be applied in addition to any provisions within each base or overlay zoning district.
- B. This chapter is further intended to comply with state and federal laws requiring the posting of signs and notices, and to create standards that will promote the health, safety, and general welfare of the city by regulating the design, material, construction, illumination, location and maintenance of all signs and sign structures.
- C. This chapter is also intended to provide for a more orderly presentation of advertisements and identification of properties within the city, to provide directional and destination information to serve the public convenience, reduce traffic and safety hazards, and to further bring those devices in harmony with the building, the neighborhood, and other signs in the area.
- D. The city further intends, by this sign ordinance, to balance the needs for signs as means of expression with the need to protect the visual environment from signage that adversely affects the character of the neighborhood and its property values. Any adverse effect on property values results in loss of tax revenue to the detriment of the public as a whole. The value to any particular sign owner must be weighed against the interests of other property owners in the neighborhood, both with respect to values, the use and enjoyment of the property, and the contentment and happiness of the owner.

- E. In adopting this sign ordinance, the city recognizes that sign blight is the functional equivalent of a public nuisance adversely affecting the aesthetics, vitality, value and enjoyment of property and creating a hazard to vehicular and pedestrian traffic. The elimination of sign blight promotes aesthetics which tends to attract tourists, settlers, and industries to the city; in turn, providing a favorable environment for private industries, in particular the tourist industry, thereby resulting in an economic advantage.
- F. Signs approved in conjunction with special use permits, specific plans, other discretionary project approvals; identification or directional signage expressly approved by the city engineer and the city council; signs required or contemplated by county, state or federal law; and signs owned or permitted by a governmental agency over which the city does not have jurisdiction; are exempted from the regulations in this chapter.
- G. All signs are further subject to all relevant Declarations of Conditions, Covenants, and Restrictions (commonly referred to as CCRs) in conjunction with other rules, regulations and policies adopted by the landowner upon which a sign, or proposed sign is to be, sited.
- H. The number and area of signs as outlined in this chapter are intended to be maximum standards.
- I. It is unlawful for any person to erect, construct, enlarge, alter, repair, improve, convert, demolish, equip, use, maintain, or relocate, any sign within the city, including painted signs, or to cause or allow the same to be done, contrary to or in violation of any of the provisions of this chapter and without first obtaining a written sign permit from the planning department, unless otherwise excepted by this chapter.

9.62.015 General Provisions and Basic Policies

The provisions and policies stated in this section apply to all signs within the regulatory scope of this chapter, and override any provisions to the contrary contained elsewhere in this chapter.

- A. Message neutrality. It is the city's policy to regulate signs in a constitutional manner, which is content-neutral as to noncommercial signs and viewpoint-neutral as to commercial signs.
- B. Regulatory interpretations. All regulatory interpretations of this chapter are to be exercised in light of the city's message-neutrality policy. Whenever any sign permit or other authorization is subject to a discretionary review, such review shall not consider the message content of the sign, other than whether any proposed commercial messages thereon are offsite or onsite. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the building code, then the city planner shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this chapter.

- C. Substitution of messages. Subject to the landowner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This provision does not allow for the substitution of an offsite commercial message in place of an onsite commercial message.
- D. Rules for non-communicative aspects of signs. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
- E. Multiple use zones. In any zone where multiple uses are allowed, the signage rights and responsibilities applicable to any particular use shall be determined as follows: The particular use shall be treated as if it were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.
- F. Owner's consent. No sign may be displayed on real or tangible personal property without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.
- G. Safety codes. In addition to the requirements of this chapter, all signs displayed in the city must comply with all applicable safety codes, such as building, plumbing, electrical, mechanical, grading, fire, etc.
- H. Other law. All signs displayed in the city must comply with the requirements of this chapter and the requirements of all other applicable law.
- I. Permit requirement. It shall be unlawful to display any sign within the limits of the city without a sign permit, unless the particular sign is expressly exempted from the permit requirement by a provision of this chapter, state or federal law.
- J. Severance. If any section, sentence, clause, phrase, word, portion or provision of this chapter is held invalid or unconstitutional or unenforceable by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given

effect without the invalid portion. In adopting this chapter, the city council affirmatively declares that it would have approved and adopted the chapter even without any portion which may be held invalid or unenforceable.

9.62.020 Sign Definitions

- A. "Abandoned sign" means any sign or display which has been abandoned for a period of ninety (90) days or more, or which pertains to a time, use, event, purpose or business which no longer exists.
- B. "Abatement" means the elimination and removal of any sign in violation of this chapter.
- C. "A-frame sign" means a temporary sign with two faces that are hinged together to create an 'A' or triangle shaped device. A-frames are usually portable and are also referred to as 'sandwich boards.'
- D. "Advertise," "advertising" or "advertisement" refers to any message, communication or expression identifying a business or development, announcing the availability of a product, merchandise or service, making claims as to the value or quality of any product, merchandise or service or otherwise attracting attention to or promoting (either directly or indirectly) any product, merchandise or service.
- E. "Amortization," as pertaining to this chapter, means the gradual extinction of nonconforming signs.
- F. "Awning" means a nonstructural covering attached to a building or supported by freestanding posts for the purposes of giving shade to pedestrians or windows and door openings. Awnings are generally made of canvas or other cloth material.
- G. "Awning, canopy or marquee sign" means a sign that is printed on, painted on, or attached to an awning, canopy or marquee.
- H. "Banner or flag sign" means a sign composed of light weight material either enclosed or not enclosed in a rigid frame. Any cloth, bunting, plastic, paper, or similar material attached to or pinned on or extending out from any structure, staff, pole, line, framing or vehicle, including captive balloons and inflatable signs.
- I. "Billboard" means a permanent structure sign used for the display of offsite commercial messages, commonly called outdoor advertising.
- J. "Building," for purposes of this chapter, includes any structure requiring a building permit.
- K. "Building face and/or frontage" means the horizontal distance of the general outer surface of the single front building elevation in which the primary entrance to the business is

located. If more than one business is located in any single building, then such length shall be limited to that portion which is occupied by each individual business. In computing allowable area of a wall sign for a structure, the building face or frontage shall not include appurtenant, accessory or secondary structures, and shall not include structures that are not enclosed such as carports or breezeways.

- L. "Canopy" means a roof-like structure extending from part or all of a building face and constructed as a permanent part of the building, either attached or freestanding, that is capable of allowing vehicles to freely pass under.
- M. "Changeable copy sign" means a sign designed to allow the changing of lettering, messages or other information through manual, mechanical, or electrical means including time and temperature. Changeable copy signs may have multiple messages that are individually displayed at common intervals, such as a traditional movie theatre marquee sign.
- N. "City planner" means the supervisor of the planning department staff or his/her designee.
- O. "Co-tenant or multiple-tenant" refers to a tenant in a structure that contains more than one business adjoined by a common wall or roofline on the same site. For the purposes of this chapter, a co-tenant also refers to a tenant of a commercial landlord that leases or otherwise makes space available within a primary business for a secondary or ancillary business or service requiring additional or separate signage.
- P. "Directional sign" means signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," or "exit."
- Q. "Directory sign" means a sign listing the tenants or occupants and their suite numbers in a building, center, subdivision or planned unit development.
- R. "Double faced sign" means a single structure designed with the intent of providing copy on both sides.
- S. "Downtown area" means the MXC zoned portion of the Downtown Commercial (DTC) area as designated in the general plan.
- T. "Eave line" means the top of a parapet wall or the lowest point of a pitched roof, including mansard style roofs. Where a parapet wall is combined with a mansard roof, the eave line shall be the top of the parapet.
- U. "Face or wall of a building" means the outer surface of any main exterior wall or foundation of a building, including windows and storefronts.
- V. "Freestanding sign" means a sign supported by one or more uprights, braces, poles or similar components placed upon or into the ground and detached from any building.

- W. "Freeway-oriented sign" means a sign within a specified distance of the freeway (Interstate 10).
- X. "Frontage" means the length of the horizontal distance of a site parallel and adjacent to a street or other public thoroughfare, but not including such length along an alley or railroad.
- Y. "Height of sign," unless otherwise indicated, means the greatest vertical distance from the existing planned grade of the top of the curb or street frontage to the highest element of a sign. For sloped elevations, the height shall be measured from the midpoint of the sign and shall be applicable to the whole sign.
- Z. "Identification sign" means a sign that identifies the name, nature, logo, trademark, symbol or insignia, address, or any combination of the name, symbol and address of a building, business, project, development, or establishment.
- AA. "Illuminated sign" means a sign with an artificial source of light for the purpose of illuminating the sign.
- BB. "Master sign program" means a coordinated plan for signage for an individual building or group of buildings approved pursuant to the provisions of this chapter. The master sign program will identify the placement and size of all signs, as well as the materials and method of illumination to provide consistency among signs and compatibility with the architecture of the building(s).
- CC. "Monument sign" means a low-profile independent structure supported on grade at the bottom of the sign with the appearance of having a solid base set in a landscaped area and incorporates the materials and architectural theme of the building(s) on the same property. Unless a different height limit is stated, a monument sign shall not exceed seven (7) feet in height.
- DD. "Multi-tenanted building" means a building containing more than one individual business within a shopping, professional or industrial complex.
- EE. "Neon sign" means any sign containing neon or other inert gaseous chemical that provides a visible discharge or that glows.
- FF. "Nonresidential" refers to property not improved with or zoned for a single- or multiple-family residence.
- GG. "Off-site sign" means a sign or sign structure of any kind or character which advertises products, merchandise, activity or service not available on or at the premises upon which the sign is located. Bus benches with advertising are not included within this definition. For purposes of this chapter, the onsite/offsite distinction applies only to commercial messages; all signs with noncommercial messages shall be deemed to be onsite, regardless of location.

- HH. "On-site sign" means any commercial sign which advertises products, merchandise, activity or service available on or at the premises upon which the sign is located. For purposes of this chapter, the onsite/offsite distinction applies only to commercial messages; all signs with noncommercial messages shall be deemed to be onsite, regardless of location.
- II. "Person" means any individual, firm, partnership, corporation or other entity.
- JJ. "Pole sign" means a form of freestanding sign that is supported by a single post that is less than one-half ($\frac{1}{2}$) the overall sign width; excluding directional signs, billboards and freeway-oriented signs.
- KK. "Portable sign" means a sign that is not permanently affixed to a structure or the ground.
- LL. "Pylon sign" means a sign face that is elevated by one or two structural supports that is architecturally integrated with the design of the primary structure on the property excluding pole signs, directional signs, billboards and freeway-oriented signs.
- MM. "Residential" refers to property improved with or zoned for single- or multiple-family residence(s).
- NN. "Roof line" means the upper edge of any building wall or parapet exclusive of any sign tower for any flat roof structure, or a line halfway between the eave line and the ridge line of the roof, exclusive of any sign tower, of any gable-roof structure.
- OO. "Roof sign" means a sign erected, constructed, or placed upon or over the eave or roof of any building or, in the case of a flat roof structure, one that extends over or above the roof line, or any sign affixed to the wall or a building so that it projects above the eave line of a roof; and which sign is wholly or partially supported by the building; but not including a sign on a mansard roof, portico or canopy if said mansard roof, portico or canopy is architecturally integrated with the building.
- PP. "Shopping Center" means a group of at least five (5) businesses, within a building or buildings, on a minimum five (5) acre site which functions as an integral unit where common vehicular access to the street and common on-site parking facilities are provided.
- QQ. "Sight triangle" means a triangular-shaped portion of land established at street intersections or at the intersection of a street and driveway in which no permanent structures are placed and where no vegetation or other obstructions are allowed between thirty (30) inches above grade and fifteen (15) feet above grade to preserve the sight distance of motorists entering or leaving the intersection. For the purposes of this chapter, the sight triangle is defined as twenty-five (25) feet from the property line parallel to the street and intersecting street or driveway.

- RR. "Sign," in addition to its common meaning, means any mark or painted character on any object, structure, device, figure, statuary, painting, display message, placard, or other contrivance, or any part thereof, visible from outside of a structure. The word "sign" also includes any graphic announcement, declaration, demonstration, display, illustration, or insignia when the same is placed in view of the general public. For purposes of this chapter, at all times that a sign is being held by an individual, it shall be exempt from this chapter.
- SS. "Sign area" means the entire copy face of the sign. The following methods will be used to compute the area of sign copy:
1. The area of a sign is to be computed by multiplying the total height by the total length of all sign faces, including framework on the sign face but excluding the base. Computation of the sign area shall enclose the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The sign area shall include a colored or textured background that is different than the fascia on which it is placed. It shall also include the perimeter trim on the sign face of a cabinet sign. If the sign is composed solely of individual channel-type letters mounted on a surface, the area shall be measured by outlining the extreme limits of writing and enclosed by no more than eight (8) lines.
 2. In the case of a sign designed with more than one exterior surface, the area shall be computed as including only the maximum single display surface that is visible from any ground position at one time. The area of a freestanding sign which has three or more faces shall be computed by adding the areas of each face of the sign.
 3. The area of a freestanding sign that is an object or statuary shall be computed by the appropriate mathematical equation for determining the total surface of an object.
 4. The supports, uprights, or structure on which any such sign is supported shall not be included in determining the sign area unless such supports, uprights, or structures are designed in such a manner as to form an integral background of the display.
- TT. "Sign face" means the surface or that portion of a sign that is visible from a single point as a flat surface or a plane and considered as such together with the frame and the background.
- UU. "Temporary sign" means a sign used solely for the purpose of advertising an event occurring on a specific date, or otherwise advertising a commercial use, which sign is displayed for ninety (90) cumulative days or less within any twelve (12) month period.

- VV. "Vehicle sign" means a sign which is attached to, painted on, placed upon or suspended from a vehicle or trailer, either operable or inoperable, which is subject to state licensing before it can legally operate on public roads and highways. This shall not include bumper stickers or the permanent finish on the body of the vehicle.
- WW. "Wall sign" means a sign attached to, painted on or erected on the exterior wall of the building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall of the building and not extending above the eave line.
- XX. "Window sign" means a sign that is applied, affixed or attached to a window or located in such a manner that it can be seen from the exterior of the structure.
- YY. To the extent that any term of legal or other professional art appearing in this Chapter has not been defined in this section or elsewhere in this code, that term shall be understood to have the meaning and construction customarily applicable in such profession as of the time of the adoption of this chapter. Unless otherwise defined herein, or unless a term of legal or professional art, all terms shall be construed according to their plain English signification.
- ZZ. The rule of the common law, that statutes in derogation thereof are to be strictly construed, shall have no application to this chapter, which shall be liberally construed to accomplish its ends, saving where the Constitution or laws of the United States of the State of California shall require otherwise.

9.62.030 Procedures

- A. Permit required. Unless otherwise excepted by this chapter, it is unlawful for any person to erect, construct, enlarge, alter, repair, improve, convert, demolish, relocate, equip, use or maintain any sign within the city, including painted signs, or to cause or allow the same to be done, without first obtaining a written sign permit from the city planner.
- B. Business license. All businesses requesting a sign permit pursuant to this chapter including but not limited to sign companies installing signage within the city limits shall have a valid Cathedral City business license.
- C. Application for sign permit. Application for a sign permit shall be made on a form provided by the planning department and shall be accompanied by a fee as established by city council resolution. The applicant shall submit four (4) sets of dimensioned plans to scale. At least one (1) of the four (4) sets shall include elevations and sign faces in color. The sign permit application shall include the following information:

1. The location and size of all existing and proposed buildings or structures on the property (including linear feet of frontage facing each public right-of-way and parking lot);
 2. The location of off-street parking facilities including major points of entry and exit for motor vehicles where directional signs may be proposed;
 3. The design, size, colors, materials and lighting proposed, and the proposed location of the sign or sign structure on the property (color and material samples shall be submitted);
 4. The method of attachment of the sign to any structure, the footing details for freestanding signs and the electrical details for illuminated signs;
 5. Location of any easements and utilities encumbering the property on which the sign(s) will be placed;
 6. A written statement, diagrams or pictures identifying sizes and dimensions of all other signs existing on the property, under the control of the applicant;
 7. A written statement, diagrams or pictures identifying the size, square footage of sign and method of calculation, and color relationships of such sign or sign structure to the appearance and design of existing or proposed buildings and structures on the property;
 8. A statement by the applicant as to whether the sign will display onsite or offsite commercial messages and/or noncommercial messages; and
 9. Such other information as the planning department may reasonably require to demonstrate full compliance with this chapter and all other applicable laws.
- D. Issuance of sign permit. The completed sign permit application and appropriate fee shall be submitted to the planning department and processed as follows:
1. The planning department shall review the application and supporting information for the sign permit. Should the application not be complete, or should the application fail to comply with the provisions of this chapter, the city planner or designee shall notify the applicant in writing of how the application is incomplete, or how it does not comply with this chapter.
 2. All sign permit applications shall be reviewed by the planning department. The city planner or designee shall approve any application subject to the following criteria:
 - a. Approval of the proposed sign would be consistent with the provisions of this chapter;

- b. The sign does not constitute a detriment to public health, safety and welfare; and
 - c. The proposed sign is in compliance with all applicable city codes, including but not limited to electrical codes.
- E. Application for master sign program. A master sign program is intended to integrate project signs into the architectural design of the site, thereby creating an architectural statement of high quality. A master sign program provides a flexible means of applying and modifying the sign regulations in this chapter to ensure high quality in the design and display of multiple permanent signs for a project or use and to encourage creativity and excellence in the design of signs. It is expected that the design quality of signs proposed under a master sign program will be of a superior quality and creativity to those that might result through the normal sign permit process. A master sign program shall include provisions for temporary signs in accordance with this chapter where temporary signs are desired by a project applicant.
 - 1. Applicability. A master sign program shall be required whenever any of the following circumstances exist:
 - a. More than one separate nonresidential tenant space is created on the same parcel;
 - b. Six (6) or more permanent non-exempt signs are proposed for a single use;
 - c. The project has special characteristics requiring a master sign program. Such characteristics include the need for master on-site or off-site directional or identification signage, changeable copy not otherwise mandated by law, the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes, etc.;
 - d. Unique, creatively designed signs are being proposed; or
 - e. On-site pedestrian-oriented portable "A-frame" signs are proposed.
 - 2. Approval authority. A proposed master sign program shall be approved or denied by the planning commission based upon the regulations and requirements as specified in this chapter. If a master sign program is required and/or requested, the application for same shall be submitted concurrently with an application for design review or conditional use permit.
 - 3. Modification of regulations. A master sign program may allow for less restrictive sign regulations so long as those regulations are approved by the planning commission and supported by findings. The planning commission may allow

modifications relating to sign area, number of signs, height, and location. However, a master sign program shall not include signs that are otherwise prohibited by this chapter.

4. Application requirements. A proposed master sign program shall include all information and materials required by subsection 9.62.030(C), the filing fee in compliance with city council fee resolution, and shall be supplemented by any additional information that may be requested by the planning commission. The planning department shall review the application and supporting information for the proposed master sign program. Should the application not be complete, or should the application fail to comply with the provisions of this chapter, the city planner or designee shall notify the applicant in writing of how the application is incomplete, or how it does not comply with this chapter. If the application is complete, the application shall be submitted to the planning commission for hearing at the next planning commission meeting for which notice and agenda requirements can be satisfied.
5. Findings. In order for a proposed master sign program to be approved, the planning commission shall first make the following findings:
 - a. The proposed signs do not constitute a detriment to public health, safety and welfare;
 - b. The proposed signs are in compliance with all applicable city codes, including but not limited to electrical codes;
 - c. The master sign program complies with the purpose and intent of this chapter, including all requirements and other special provisions as specified in this chapter;
 - d. The proposed master sign program is in harmony with and enhances the overall development and surrounding structures;
 - e. The master sign program complies with the standards of this chapter, except that flexibility is allowed in the planning commission's interpretation of appropriate sign area, number, location, and/or height to the extent that the master sign program will enhance the overall development, achieve superior quality design, and will more fully accomplish the purposes of this chapter;
 - f. If changeable sign copy is proposed, the following additional findings are required:
 - i. The proposed changeable copy is essential for advising the public as to continually changing events or programs that are the primary focus of and traditionally integral to the type of use;

- ii. The number of changeable copy signs shall be limited to the allowable number of monument signs as defined by this chapter;
 - iii. The sign displays on-site advertising;
 - iv. The height and area is within the maximum sign area limits established in this chapter;
 - v. Of the total allowable sign area, up to a maximum of seventy five (75) percent of the area will be dedicated to the changeable copy format;
 - vi. The sign is designed as an integral portion of the businesses monument, marquee or wall sign; and
 - vii. The sign height and mass shall be of an appropriate scale and relationship to the buildings on site and adjacent to the street.
- g. If on-site "A-frame" signs are proposed, they will be limited to a maximum of one (1) sign per business, pedestrian-oriented, located on private property, professionally designed and constructed, not placed within public right-of-way, and will be located within ten (10) feet of the main pedestrian entrance to the business.
6. Revisions to master sign programs. Revisions to master sign programs may be approved by the city planner or designee so long as the revision is consistent with the requirements of this chapter and the appropriate findings can be made. Revisions that would substantially deviate from the original approval shall require the approval by the planning commission of a new master sign program.

9.62.040 Exempt Signs

The following signs shall be exempt from a permit application:

- A. Signs within a structure not visible from the outside of a building;
- B. A maximum of one (1) flag, not exceeding fifteen (15) square feet, per residential lot; provided, however, that all flag poles shall be subject to the requirements set out at Chapter 9.80.030 and no flags shall be permitted on a vacant lot;
- C. A maximum of three (3) flags that display noncommercial or onsite commercial messages, not exceeding sixty (60) square feet each, on nonresidential lots; provided, however, that no flags shall be permitted on a vacant lot.

D. Wall signs provided that all of the following conditions exist:

1. The signs number no more than two (2) per lot or, in the case of lots with multiple units, two (2) per unit;
2. No such sign shall project beyond the property line, extend into the public right-of-way, or be within the sight triangle;
3. The area of said signs shall not exceed one (1) square foot per sign if located on residential lots containing four (4) units or less; and
4. The area of said signs shall not exceed two (2) square feet per sign if located on a nonresidential lot, or on a residential lot containing five (5) or more units;

E. Temporary signs in compliance with this chapter; provided, however, that all requirements for a temporary sign program set out in Section 9.62.060 shall have been satisfied;

F. On-site for-sale or for-rent signs, during the period that the subject property is offered to the general public for sale or for lease, subject to the following provisions:

1. Said signs shall be limited to one (1) per street frontage, with a maximum per lot of two (2);
2. Said signs shall not exceed seven (7) feet in height;
3. On a residential lot, each such sign shall not exceed four (4) square feet of sign area;
4. On a nonresidential lot, each such sign shall not exceed thirty two (32) square feet per sign area;
5. Said signs shall be located outside the public right-of-way and shall not be located within the sight triangle; and
6. Up to five (5) related off-site open-house signs shall be permitted during any period that the subject property is open for public inspection; provided that the property owner or agent is present at the site during the period of time that the sign is in place; and provided further that such signs are placed and removed within an eight (8) hour period.

G. Window signs in commercial and industrial zones, subject to the following provisions:

1. Window signs shall be posted on the inside of a window but not between four (4) feet above exterior grade and seven (7) feet above exterior grade, which area is to remain clear of signage;

2. Cumulatively, said signs shall cover less than 20 percent of the area of a window located on the ground floor of the building;
3. Cumulatively, said signs shall cover less than 10 percent of the area of a window located on the second story of a building frontage;
4. The only illumination permitted is neon signage;
5. Signs inside the building but within three (3) feet of a storefront window shall be counted as a window sign; and,
6. Temporary signs displayed in the window shall be included when calculating the area of the window that may be covered with a window sign; however, said sign area shall not be counted toward the aggregate of the otherwise allowable sign area.

9.62.050 Prohibited Signs

Any sign not specifically authorized by this chapter shall be prohibited. Additionally, the following signs are expressly prohibited in the city:

- A. Abandoned signs;
- B. Signs which are unsafe or a danger to the public;
- C. Signs which rotate, move, flash, reflect, blink, or appear to do any of the foregoing, either self- or human-powered, regardless of the location of the sign; except, however, approved changeable copy signs, or those otherwise mandated by law, are exempted from said prohibition;
- D. Signs on public property except as otherwise provided in this chapter;
- E. Signs on public or private property that project over or into the public right-of-way, unless otherwise authorized by this chapter;
- F. Off-site signs except as otherwise provided in this chapter;
- G. Billboard signs except as expressly approved by the city council;
- H. A-frame signs except as otherwise provided in this chapter;
- I. Vehicle signs;
- J. Roof signs;

- K. Pole signs;
- L. Signs with exposed raceways, ballast boxes, transformers, crossovers or conduits, unless otherwise approved pursuant to a master sign program;
- M. Any sign that encumbers ingress to or egress from a door, window or fire escape and any sign placement or method of attachment that could serve to hinder, delay, or render inaccessible or inoperable emergency equipment including but not limited to fire hydrants, fire escapes, fire alarms and stand pipes;
- N. Signage placed within a sight triangle of any intersection or driveway, or so as to unreasonably interfere with traffic visibility including placement, maintenance, or display upon, or in view of, any street or highway, any unofficial sign, signal, or device, or any sign, signal, or device which purports to be or is an imitation of, or resembles, an official traffic control device or which attempts to direct the movement of traffic or which obstructs the view of any official traffic control device;
- O. Illuminated signs located fewer than fifty feet from a single family residential zone;
- P. Any sign(s) not included in the scope of a sign permit that is bolted, tagged or tacked onto another permitted sign;
- Q. Any sign located on the third or higher story of a building shall be prohibited except for those approved pursuant to a master sign program; and
- R. Signs displaying obscene matter, as defined by Miller v. California (1973) 413 U.S. 15, 18-19, or otherwise prohibited by law.

9.62.060 Temporary Sign Provisions

- A. Except as otherwise provided in this chapter, no temporary sign displaying a commercial message shall be allowed unless the applicant shall have first filed a temporary sign program; paid the requisite filing fee as provided by resolution of the city council; and the city planner or designee has approved the proposed temporary sign program. The proposed temporary sign program shall include a statement of compliance with this chapter and certify the person responsible for removing the sign and, in the event the sign is not timely removed consistent with the provisions of this chapter, the person responsible for reimbursing the city for any cost incurred to remove and dispose of the sign. A proposed temporary sign program shall be approved by the city planner or designee immediately upon submission if the requisite fee has been paid and the proposal demonstrates that each proposed sign meets all the conditions applicable to a temporary sign as set out in this chapter.

- B. A temporary sign displaying a noncommercial message shall not require prior approval of the city planner and may be displayed consistent with the temporary sign program immediately upon the filing of same with the planning department. However, if it shall subsequently be determined that the actual sign displayed is inconsistent with the temporary sign program on file, or that the temporary sign program on file does not demonstrate that each proposed sign meets all the conditions applicable to a temporary sign as set out in this chapter, then the temporary sign may be removed by city staff after notice to the responsible person as provided in this chapter. No fee is required for the filing of the proposed temporary sign program for a noncommercial sign.
- C. No temporary sign shall be placed or erected on any property within the city without the consent of the owner or tenant of such property.
- D. Temporary signs in a commercial or industrial zone with a commercial message shall be allowed only where permanent signs are allowed.
- E. Temporary signs shall not be illuminated.
- F. No temporary sign shall be placed, attached or erected on public property, or in the street right-of-way, including but not limited to utility poles, sign poles, trees, fences, walls and public buildings, except as otherwise expressly provided in this chapter.
- G. No temporary sign shall be placed so as to pose a visibility hazard to pedestrian or motor vehicle traffic, and no sign shall be located within a sight triangle.
- H. The temporary signage shall be limited to a maximum of sixteen (16) square feet per sign, a maximum height of five (5) feet, with a cumulative maximum area of eighty (80) square feet, per lot, and no illumination is allowed; except, however, that on nonresidential lots improved with a multi-unit structure, the maximum sign face area per sign shall be increased to thirty two (32) square feet. In addition, on nonresidential lots improved with a multi-unit structure, each unit shall be allowed one (1) additional temporary sign, mounted on the wall, below the eave line and above the doors and windows, subject to the following:
 - 1. For each unit with fifteen thousand (15,000) or less square feet of finished interior space, the sign face area shall not exceed twenty four (24) square feet; and
 - 2. For each unit in excess of fifteen thousand (15,000) square feet of finished interior space, the sign face area shall not exceed fifty (50) square feet.
- I. Temporary signs placed in violation of this chapter may be removed at the direction of the code enforcement chief or designee, subject to the following notice requirements:

1. If a temporary sign is found in the public right-of-way or on public property and constitutes a threat to public safety, it may be removed immediately. Additionally, a temporary sign remaining on public property or within the public right-of-way more than ten (10) days after the event that is identified on the sign face may be removed immediately. Said signs may thereafter be destroyed if the owner has been given at least fifteen (15) days notice but has not claimed the sign, or if the responsible party cannot be identified and/or located. If said sign is identified in a temporary sign program on file with the city or has an identification label attached, said notice shall be directed to the responsible person identified therein.
2. Any other temporary sign deemed to be in violation of this chapter, but which does not pose an immediate threat to the public safety, shall be removed after the owner or responsible party, if same can be identified and/or located, has been given at least twenty four (24) hours notice but has not removed the sign. If not claimed by the owner within seven (7) days of removal, said sign may then be destroyed. If said sign is identified in a temporary sign program on file with the city or has an identification label attached whereby the responsible person can be readily contacted, the following provisions shall apply:
 - a. The twenty four (24) hour notice to remove the sign shall be directed to the responsible person identified in the temporary sign program or on the identification label; and
 - b. If within four hours (4) hours of a request by city staff to the responsible person that a sign be removed, the responsible person causes the sign to be removed, said sign shall not be deemed a violation of this chapter and no further enforcement action shall be taken, subject to the following:
 - i. The request to remove concerns no more than five (5) temporary commercial signs advertising an event occurring on a specific date;
 - ii. The subject signs are not located on public property or within right-of-way; and
 - iii. The subject signs were first placed in service on the date of the event.
- J. Any temporary sign used solely for the purpose of advertising or promoting an event occurring on a specific date, including but not limited to an election, shall not be maintained for a period in excess of ten (10) days after the happening of the event; except, however, a sign used only on the day of the event shall be removed immediately upon the conclusion of the event.
- K. All signage shall be maintained in good repair and condition.

L. One (1) on-site portable sign may be allowed provided the sign meets all of the following requirements:

1. An approved temporary sign program is on file in the planning department;
2. If an aerial or ground-mounted inflatable device, the portable sign shall not exceed a height of twenty (20) feet; any other type of portable sign shall not exceed four (4) feet in height and twelve (12) square feet in area;
3. Portable signs shall not be set within, or extend into, the public right-of-way or line of sight triangle;
4. Portable signs shall be secured to the ground to assure stability under all weather conditions; weighting the base with sand bags or similar objects does not meet this condition;
5. Portable signs shall be removed during non-business hours;
6. Portable signs shall not be illuminated;
7. Vehicular-oriented portable signs shall be spaced at least 75 feet from the nearest portable or temporary sign; pedestrian-oriented portable signs shall be placed within ten (10) feet of the primary pedestrian entrance to a business, not to exceed one (1) such sign per pedestrian entry per street frontage;
8. All portable signs and portable sign structures shall be professionally fabricated; and
9. Portable signs shall only be allowed on nonresidential lots; provided, however, that portable signs shall not be allowed on any vacant lot.

9.62.070 Special Sign Provisions

A. Billboard Signs

1. New billboards. No person shall erect or retain a billboard within the city except in accordance with this section.
 - a. Maximum number. No more than twenty three (23) billboards are permitted on land under the jurisdiction of the city, not including the land controlled by the Agua Caliente Band of Cahuilla Indians.
 - b. Survey. A survey shall be conducted that provides a photograph of each billboard, the location of each billboard, the owner of the billboard, and whether the billboard is on Tribal land. The locations and maximum

number of billboards permitted within the city shall be as defined in the survey.

2. Replacement billboards. If an existing billboard is permitted to be replaced pursuant to this chapter, the replacement display and its foundation shall be located in the same exact location upon the same parcel of property where the existing foundation was laid and the existing display was constructed, and the replacement display shall be constructed in strict conformity with the following standards:
 - a. Height. Billboards shall not exceed a height of thirty (30) feet above the road bed of the adjacent interstate or street or a maximum overall height of thirty feet above grade on which it is constructed, whichever is greater. The lowest portion of the billboard shall not be less than sixteen (16) feet above the roadbed of the adjacent interstate or street, whichever is greater;
 - b. Number of faces. Billboards shall have a maximum of two (2) faces. Back to back and V-type billboards are allowed, providing they are on the same structure and provided that the V-type billboard has a separation between faces of not more than twenty (20) feet at one end;
 - c. Face size. Billboards placed adjacent to Interstate 10 shall have a maximum sign face of seven hundred (700) square feet, each face. Billboards placed on all other streets shall have a maximum sign face area of four hundred square (400) feet, inclusive of extensions;
 - d. Poles. Billboards are allowed a maximum of one structural support pole (monopole). For the purposes of this chapter, billboards are not considered a pole sign. The pole width shall not exceed the minimum necessary to structurally support the display;
 - e. Lighting and illumination. Billboards may be illuminated provided that no source of illumination is visible beyond the display face. Displays making use of lights to convey the effect of movement or flashing intermittent or variable intensity shall not be permitted;
 - f. Tri-Vision billboards. Tri-Vision billboards are allowed when located within five hundred (500) feet of a signalized intersection. The dwell time for each display must remain stationary for at least a period of ten (10) seconds. Turn time from one display to the next shall be within two (2) seconds;
 - g. Display of movement. Billboards shall not move, rotate, flash or display any moving and/or rotating parts. No propellers, flags or other noise creating devices and no architectural embellishments, which utilize mechanical or natural forces of motion, shall be permitted;

- h. Setbacks. Billboards shall not be erected within an established setback or within a public right-of-way or future public right-of-way. The display edge shall be setback a minimum of two (2) feet from the property line and the structural pole shall be setback a minimum of ten (10) feet from the property line;
- i. Placement. In no case shall a billboard obstruct reasonable sight lines for streets, sidewalks, or driveways. No billboard shall be placed in a sight triangle;
- j. Identification. Billboards shall have securely fastened to each face of the display and clearly visible from the public right-of-way, the name of the company responsible for maintaining the billboard;
- k. Billboards on improved land. Billboards on improved land shall be integrated into the existing development and shall include landscaping, consistent with the existing development, around the base of the billboard;
- l. Application. Alterations or replacement of a billboard shall require a sign permit application; and,
- m. Billboards on tribal land. Billboards on Tribal land shall conform to Ordinance No. 13, as amended, of the Agua Caliente Band of Cahuilla Indians, entitled "Tribal Ordinance Controlling Outdoor Advertising Displays."

B. Downtown Area Signs

- 1. Purpose. This section shall pertain to the Downtown Area. Where a particular standard is not addressed, other sections of this chapter shall apply.
- 2. Design. Signs shall be architecturally compatible with a building's architectural style in regard to size, color, materials and illumination. Overall proportions of the structure on which the sign is located shall guide the design of signs:
 - a. Signs shall be located on parapets, towers, turrets, recessed wall areas and/or other building architectural features specifically designed for a sign;
 - b. Freestanding business identification signs in the Pickfair Core portion of the MXC district shall be pedestrian oriented in nature (size and location) and shall not attempt to gain the attention from vehicles traveling on surrounding streets; and

- c. All buildings containing two (2) or more tenant spaces shall submit a master sign program for review and approval to the planning department.
- 3. Sign Materials and Lighting. Except as may be allowed pursuant to a master sign program, basic channel letters (individual internally illuminated plastic or metal letters) and can signs (internally illuminated plastic panels within a sheet metal box enclosure) are not permitted. The other following criteria shall apply:
 - a. Signboards made of solid wood or metal with painted or engraved letters, or mounted letters of wood or metal are permitted;
 - b. Silhouette, or figurative signs with symbols and/or ornamental figures made of wood, metal or neon are permitted;
 - c. Exterior-mounted custom neon signs mounted on walls or on a signboard or metal support frame or enclosure, or interior mounted behind clerestory windows are permitted;
 - d. Internally illuminated signs with lighting inside and/or behind the sign (halo-lit) are permitted; and,
 - e. Lighting fixtures that illuminate the top or bottom of signs with single or multiple spotlights shall be screened in a manner to minimize light and glare unless said lighting fixtures are an integral part of the architecture of the building to which they are attached.
- 4. Signs Specifications. The following specifications shall apply:
 - a. Wall signs, flush mounted or painted are allowed;
 - b. Awning and canopy signs, pursuant to the regulations contained herein are allowed; except that plastic awnings or illuminated "balloon" awnings are not allowed;
 - c. All building mounted signs shall not exceed one (1) square foot per one (1) linear foot of tenant, street or parking lot frontage, and shall not exceed one hundred (100) square feet in total area; and
 - d. Banners in the MXC Zone shall be maintained in the same condition as originally approved and installed.

C. Specific Plan No. 99-53 Area Signs

1. Signs within the area of Specific Plan No. 99-53, except as may otherwise be approved pursuant to any other provision of this chapter, shall meet all of the following requirements:
 - a. Freestanding or monument signs are allowed, each of which shall not exceed fifty (50) square feet in area and seven (7) feet in height; provided, however, each such sign shall be separated by at least a distance of seventy five (75) feet and shall not be located within the sight triangle or public right-of-way; and said signs may be illuminated;
 - b. The total area of signage for attached wall signs for each side of a structure facing public right-of-way or parking lot shall not exceed one (1) square foot per linear foot of frontage to a maximum of one hundred (100) square feet when the building is less than one hundred (100) feet from the public right-of-way; provided, however, the total area shall not exceed one and one-half (1½) square feet per linear foot of frontage, to a maximum of one hundred fifty (150) square feet, if the structure is set back at least one hundred (100) feet from the public right-of-way; and provided the signs are attached to the building fascia and do not exceed two-thirds (2/3) of the height of the fascia;
 - c. Directional signs shall be limited to either monument signs, not exceeding three (3) feet in area and four (4) feet in height, or attached wall signs not exceeding six (6) square feet in area; provided, however, that said directional signs shall not be within the sight triangle or the public right-of-way, and shall not be illuminated;
 - d. Monument signs shall match the design of the main freestanding sign;
 - e. Directional signage shall be architecturally consistent with other signage as a part of the master sign program; and
 - f. All signage shall be designed in a manner that integrates it with the project design and architecture through the use of common elements pertaining to scale, style, material, color, lettering, illumination, construction and location.
2. Identification signs within public or private easements adjacent to the specific plan area at the intersection corners of Auto Park Drive and Perez Road at East Palm Canyon Drive, and the intersection corners of Kyle Road at Perez Road, shall be allowed provided the following criteria are met:
 - a. Changeable copy or other non-related advertising copy is prohibited;

- b. Said signs shall not encroach within any street right-of-way;
 - c. Said signs shall not exceed a graphic area of fifty (50) square feet nor a height of twenty (20) feet as measured from the top of the nearest street curb;
 - d. Each sign shall be internally illuminated; and
 - e. The design of the sign shall incorporate the materials, color, and architectural theme of the specific plan area.
3. Additional monument signs identifying only the name or logo of a manufacturer, consistent with the terms of any applicable master association agreement, shall be allowed provided the following criteria is met:
- a. Location of signs to be limited to East Palm Canyon Drive and Perez Road;
 - b. Maximum number of signs not to exceed an average spacing of eighty (80) feet although signs may be clustered in groups closer than eighty (80) feet;
 - c. The design concept shall incorporate uniform color/graphic styles, materials, illumination, sign enclosure, and support structures;
 - d. The maximum sign height shall be five (5) feet;
 - e. The maximum sign area shall be ten (10) square feet;
 - f. If signs are lighted, lighting shall be limited to internal illumination;
 - g. Signs shall be situated in a manner to assure adequate sight distance from street intersections and drives; and
 - h. Changeable copy or other non-related advertising copy is prohibited.
4. Temporary signs shall be allowed so long as the criteria below are met:
- a. Any sign that becomes faded, torn, broken, loose, ragged, etc., shall be removed immediately;
 - b. When permitted, signs within street rights-of-way shall be limited to banners and other flexible material;
 - c. A temporary advertising device permitted under this section shall be removed if the city planner or designee finds that the sign constitutes a

traffic hazard or a nuisance to adjacent or surrounding properties or the public at large, or is detrimental to the public convenience or welfare;

- d. Provided all other criteria are met, temporary signs that encroach into public right-of-way may be permitted with review of the city traffic engineer, approval of the city council and issuance of an encroachment permit; and
 - e. No changeable copy shall be incorporated in the temporary sign.
5. Excluding signs allowed pursuant to subsections (2), (3) and (4) of this section, one (1) on-site, electronic, changeable copy sign per lot, of either a monument or wall type, is allowed so long as the sign meets all of the following criteria:
- a. The height and area of such signs shall be regulated by the maximum sign area limits established in this chapter;
 - b. Of the total allowable sign area, up to a maximum of seventy five (75) percent of the area may be dedicated to the changeable copy format;
 - c. The sign shall be designed as an integral portion of the business' monument, marquee or wall sign and be compatible with the design and character of the development and the surrounding area;
 - d. Sign height and mass shall be of an appropriate scale and relationship to the buildings on site and adjacent to the street, and shall not be a detriment to public safety; and
 - e. Signs allowed pursuant to subsections (2), (3) and (4) of this section shall not include changeable copy.

D. On-Site Commercial Signs in Residential Zones

- 1. One (1) monument style identification sign per street or parking lot frontage, up to a maximum of two (2), are allowed to advertise nonresidential uses existing in a residential zone pursuant to a conditional use permit, or pursuant to preexisting, ancient, or immemorial usage, or other lawful authority; provided, however, that such preexisting, ancient or immemorial usage was extant prior to the adoption of this chapter and, at the time such usage began, was lawful;
- 2. Said signs may be illuminated with exterior lighting directed at the sign and away from any neighboring residence;
- 3. Said signs shall not exceed a maximum sign area of thirty two (32) square feet and a maximum height of seven (7) feet; and

4. The sign shall not be located within sight triangles or a public right-of-way.

E. Residential Project Identification Signs

1. One (1) architectural feature wall or monument type identification sign per major entrance to a planned unit development or other residential development of more than five (5) units shall be allowed; provided, however, that there is a homeowners' association responsible for the maintenance of the sign;
2. Said signs shall have a maximum sign area of sixteen (16) square feet per sign face;
3. Said signs shall have a maximum height of four (4) feet;
4. Said signs shall not be within the sight triangle or within the public right-of-way;
5. Said signs may be backlit, halo lit, or lit by spotlight set in the landscaping; and
6. Architectural feature wall signs shall be set in landscaping.

F. Drive-Thru Facility Signs

1. Business uses that incorporate a drive-thru facility shall be allowed two (2) additional signs located within five (5) feet of the drive-thru lane;
2. Said signs shall have a maximum sign area of thirty two (32) square feet and a maximum height of seven (7) feet each, including any bolt-on or tack-on signs;
3. Said signs shall not be located so as to be a hazard for driveway or corner radius and shall be setback at least five (5) feet from the public right-of-way, and shall not be in within the sight triangle;
4. Illumination is allowed; and
5. Said signs shall be located in a landscaped planter area equal to three (3) times the size of the sign face.

9.62.090 Permitted Signs

The following signs are allowed with an approved sign permit or, if indicated, a master sign program.

- A. Directory Signs. All nonresidential uses shall be entitled to one (1) wall, monument or kiosk sign per major entry or parking lot frontage with a maximum sign area of twenty (20) square feet and a maximum height of seven (7) feet.

1. The sign shall not be within the sight triangle or public right-of-way;
2. Illumination is allowed;
3. If a wall sign is used, it shall be pedestrian and not vehicular oriented with maximum height lettering of six (6) inches; and
4. If a monument or kiosk is used for the directory sign, it shall be placed in landscaping or in sidewalk areas.

B. Identification Signs. Nonresidential uses shall be allowed identification signs as follows:

1. As to each building or unit not located within a shopping center, one (1) wall or awning sign per side of structure frontage facing public right-of-way or parking is allowed, subject to the following:
 - a. On the ground floor, the maximum sign area shall be as follows: One (1) square foot per linear foot of tenant space or building not exceeding one hundred (100) square feet for the primary frontage, fifty (50) square feet for the secondary frontage and twenty four (24) square feet on each additional frontage, not to exceed a cumulative sign area of two hundred (200) square feet for all frontages;
 - b. Second floor wall signs shall be allowed for a tenant space where there is an exterior entrance to the second floor, not to exceed fifty (50) percent of the sign area authorized for businesses on the ground floor of the building;
 - c. Said signage shall be centered over the frontage of the corresponding unit and shall not exceed seventy (70) percent of the total linear width thereof;
 - d. An awning sign shall have a vertical clearance of eight (8) feet from the sidewalk and a wall sign shall be placed below the eave line;
 - e. Illumination shall be soft, back lit provided the sign does not face residential or local streets; no security type lighting shall be allowed;
 - f. No sign shall be in the public right-of-way or within the sight triangle; and
 - g. Calculation of linear footage for allowable sign area shall not include accessory structures.
2. As to an entire multi-story building, one (1) additional wall sign per street frontage is allowed, with a maximum sign area of ten (10) percent of the wall area or fifty (50) square feet, whichever is less, wall-mounted between the windows of

the highest floor and the top of the eave line or the top of the parapet. Illumination is allowed.

3. If located within a shopping center, each tenant's space shall be allowed one (1) wall sign per unit as follows:
 - a. The maximum sign area shall be one and one-half (1½) feet per linear foot of frontage up to a maximum of one hundred fifty (150) square feet on the primary frontage;
 - b. The sign shall be set one hundred (100) or more feet from the public right-of-way; and
 - c. Illumination is allowed.
4. One (1) pedestrian-oriented hanging sign per unit frontage or per primary entry is allowed as follows:
 - a. Said sign shall be placed under arcades, awnings or similar architectural treatment, and shall not be visible from the public right of-way;
 - b. Said sign shall be perpendicular to the storefront and may not exceed a maximum sign area of six (6) square feet;
 - c. If placed under an awning, it shall have a minimum eight (8) feet vertical clearance from the sidewalk; and
 - d. Internal illumination is permitted.
5. One (1) vehicular-oriented hanging sign per unit frontage or per primary entry is allowed if other wall or monument sign methods are not physically feasible, subject to the following:
 - a. Said sign shall be below eave line and shall be visible from the public right-of-way;
 - b. Said sign shall not exceed one (1) square foot per linear foot of tenant space, not exceeding one hundred (100) square feet per frontage, with an additional fifty (50) square feet allowed per each additional frontage;
 - c. Said sign shall have a vertical clearance of eight (8) feet from the sidewalk;
 - d. No illumination shall be allowed; and
 - e. Said sign shall not be located in the public right-of-way.

6. One (1) monument sign per street frontage per lot is allowed as follows:
 - a. Said sign shall have a maximum sign area of thirty two (32) square feet and a maximum height of seven (7) feet;
 - b. Said sign shall not be located within the public right-of-way, and shall not be located within the sight triangle;
 - c. A planter base or landscaping shall be provided equal to three (3) times the area of one face of the sign;
 - d. Monument signage shall have a minimum spacing of seventy five (75) feet between monuments;
 - e. Illumination is allowed; and
 - f. Lettering shall be of a sufficient size as to be readily visible from the public right-of-way.
7. Commercial uses in PCC and I-1 zones, with a minimum of five (5) tenants, located on a minimum of five (5) acres, shall be permitted one (1) additional pylon or monument sign per street frontage, subject to the following criteria:
 - a. Said signs shall have a maximum sign area of seventy (70) square feet and a maximum height of fourteen (14) feet; provided, however, the planning commission may authorize a taller sign pursuant to a master sign program with adequate findings supported by a flag test;
 - b. The signs shall not be located within the public right-of-way, and shall not be located within the sight triangle;
 - c. Signs in this class shall be located a minimum of one hundred (100) feet from the nearest residential land use, seventy five (75) feet from the nearest monument sign, seventy five (75) feet from any intersection, and one thousand (1,000) feet from the nearest sign in this same class; and
 - d. The sign may be illuminated and shall be located in a planter base or landscaped area equal to three (3) times the area of one face of the sign.
- C. Kiosk Signs. Subject to approval by the planning commission as part of the design review for a use, one (1) kiosk or similar architectural feature per corner intersection may be allowed in a commercial or industrial zone with a maximum sign area of fifty (50) square feet. Said signs shall not be located within the public right-of-way or sight triangle. The sign may be illuminated as part of the architectural element of the sign.

D. Freeway-oriented signs. Freeway-oriented signs are allowed subject to the following criteria:

1. Subject to the state Outdoor Advertising Act, and pursuant to an approved master sign program, pylon type signs are permitted in PCC and I-1 zones as follows:
 - a. Said signs shall be located within one thousand (1,000) feet radius distance from the centerline point of roadway intersection of the Interstate 10 on- and off-ramps nearest the site within the Date Palm Drive right-of-way;
 - b. Said signs shall not exceed a maximum sign area of one hundred fifty (150) square feet per advertiser;
 - c. The maximum height shall be determined by the planning commission based on the height needed by the traveling public to view the sign, but shall not exceed fifty (50) feet; provided, however, that the applicant shall furnish sight-line studies and shall conduct a flag test to demonstrate the sign height needed;
 - d. Support shall be set back five (5) feet from the property line and all signage shall be located on private property;
 - e. Sign structures shall be located in such a manner so as to not adversely block the visibility of another existing freeway-oriented sign structure from the view of the traveling public on the freeway; and
 - f. Illumination is allowed.
2. A maximum of one (1) extended height monument sign per five hundred (500) linear feet of freeway frontage is allowed along freeway frontage in all commercial and industrial zones, subject to the following criteria:
 - a. The maximum sign area shall not exceed one hundred twenty (120) square feet, and the maximum height shall not exceed twelve (12) feet, including a four (4) foot base and eight (8) foot sign maximum; and
 - b. Said signs shall be located within a thirty (30) foot landscape easement parallel to freeway frontage and may only be halo- or landscape-lit.

E. Changeable Copy Signs. Changeable copy signs required to comply with any applicable law regarding the posting of commercial information shall be allowed with an approved sign permit, except that such signs shall be limited to one (1) per street frontage for each business and shall not exceed sixteen (16) square feet of area of any sign otherwise permitted under this chapter.

9.62.100 Nonconforming Signs

- A. Applicability. Except for billboards subject to Section 9.66.090 of this title, and notwithstanding any other general provisions in this title, the provisions of this section shall apply to all signs subject to this chapter.
- B. Amortization of previously permitted signs. Provided all other conditions of this section are met, all nonconforming signs for which a permit was previously issued and in effect on the date that this chapter became effective may continue to be used until such a time that substantial alterations, or those not otherwise allowed pursuant to section D below, are made to the sign, or until such a time as the use is abandoned. For purposes of this section, signs existing at the time of incorporation of the city shall be deemed to have been previously issued a permit by the County of Riverside.
- C. Removal of non-permitted, nonconforming signs. The following amortization periods are presumed adequate to allow the owner of a nonconforming sign to recoup the original cost of the sign, and shall be applicable to any sign for which a permit was not in effect on the date that this chapter became effective. Provided all other conditions of this section are met, such a sign may be maintained for the period of time set forth below, measured from the date the sign was first placed in service, after which time the sign shall be removed.

<u>Original Investment</u>	<u>Minimum Amortization Period</u>
Under \$500.00	6 months
\$501 to \$1,000	12 months
\$1,001 to \$2,000	1 year
\$2,001 and over	2 years

- D. Alterations during amortization period. A nonconforming sign may not be moved, enlarged, relocated, or altered in any way except as follows:
1. The cost of such alteration does not exceed twenty five (25) percent of the assessed value of the sign;
 2. The alteration may not result in any greater degree of nonconformity than previously existed;
 3. The alteration shall meet all current requirements of the Cathedral City Municipal Code, and shall be completed within one (1) year of the commencement of the work;
 4. When a subsequently adopted ordinance or regulation requires specific alterations, those alterations shall be made;

5. Minor repairs to and routine maintenance, costing less than twenty five (25) percent of the replacement cost of the sign are permitted and encouraged; and
 6. If, in the process of alteration pursuant to this section certain nonconformities can be brought into conformity, they shall be brought into conformity.
- E. New development or substantial improvement. A requirement for a nonconforming sign to be removed or altered so as to comply with the requirements of this title may be imposed as a condition of approval of a subdivision, conditional use permit, variance, or other discretionary development approval. In addition, ministerial approval may also require removal or alteration of the nonconforming sign as a condition of approval when in conjunction with a substantial improvement of said property.
- F. Sign copy. Sign copy and sign faces may be changed on nonconforming signs when there is no change in use of the site or when only a portion of a multiple tenant sign is being changed.
- F. Wall and freestanding signs. Legal nonconforming wall signs shall not prevent the installation of conforming freestanding signs, nor shall legal nonconforming freestanding signs prevent the installation of conforming wall signs.
- G. Add on signs. Signs bolted, tacked, tagged or added onto an otherwise conforming sign shall not be considered legal nonconforming for the purposes of this section.
- H. Nuisance. Notwithstanding any other provision of law, any sign which does not conform to the provisions of this chapter, and which was constructed or displayed prior to the adoption of this chapter, shall not be a lawful nonconforming use and instead shall be deemed a public nuisance subject to abatement if not brought into conformance with this chapter, when any of the following apply:
1. A sign that did not comply with all ordinances and regulations in effect at the time of its placement;
 2. An abandoned sign;
 3. A sign that was legal when initially placed, but which has been relocated or any nonconformity has been expanded;
 4. A sign that is the subject of an agreement between the sign owner and the city for, or the authorization therefor is expressly conditioned on, its removal as of a given date or expiration of a given period of time, which date or period of time has expired;
 5. A temporary sign;

6. A sign on a lot located within a redevelopment project area created pursuant to California Community Redevelopment law for which a building permit or sign permit is subsequently issued; or
 7. A sign that is damaged to the extent that the cost of repair, other than copy replacement, will exceed fifty percent of the sign value. The sign value shall be reasonably determined by the city planner or designee.
- I. Early removal. The city may require the removal of any nonconforming sign before the amortization period provided herein has lapsed, if the owner is paid fair and just compensation equal to one-fifteenth (1/15) of the duplication costs of the sign being removed multiplied by the number of years of useful life remaining for the sign. At the end of the amortization period or at the time compensation is provided for nonconforming signs, the owner thereof shall cause the sign to be removed or so altered to conform fully with the requirements of this chapter. A sign permit shall be required for any such alteration or relocation.
- J. Notice to remove. After determining that a nonconforming sign must be removed in accordance with the provisions of this section, the city planner or designee shall issue a written notice to the owner of the property upon which said sign is located and state the requirements to bring the sign into compliance with this chapter and the date upon which said sign shall achieve conformance or be removed.
- K. Removal of amortized signs. Any nonconforming sign required to be removed in compliance with the provisions of this chapter because of expiration of the applicable time period or payment of fair and just compensation are deemed to be fully amortized and a public nuisance, and may be abated pursuant to the procedures established in this chapter.

9.62.110 Discontinuance of a Business

Within thirty (30) days of the discontinuance of a business in any zone or before a new business occupies the building, whichever comes first, the sign owner, his agent, or the property owner shall remove all nonconforming signs and sign copy including all wording, advertising or information relating to the discontinued business. If affixed to any structure, upon removal of the sign, the underlying structure shall be restored to the same or similar condition as existed prior to the placement of the sign.

9.62.120 Structural Safety, Maintenance, Identification, and Illumination

- A. Every temporary and permanent sign and all parts, portions, units and materials comprising the same, together with the frame, background, supports or anchorage therefor, shall be manufactured, fabricated, assembled, constructed and erected in compliance with the building, electrical and fire prevention codes of the city of Cathedral City as they now exist or may hereafter be amended, or as they may hereafter exist.
- B. Every temporary and permanent sign and all parts, portions, units and materials comprising the same, together with the frame, background, supports or anchorage therefor, shall be maintained in proper repair and state of preservation. The display surface of all signs shall be kept neatly painted and/or posted.
- C. Every sign erected, altered or relocated shall have recorded thereon in a conspicuous place in order to be readily visible, the date of approval, alteration or relocation, the permit number and the voltage of any electrical apparatus used in connection therewith. Every sign which is internally illuminated and which incorporates the use of electrical apparatus or equipment within shall have posted an Underwriter's Laboratory approval stamp in a conspicuous place.
- D. Any sign that is more than twelve (12) feet from the grade to the bottom of the sign, or is more than one hundred (100) square feet on one single sign face shall be engineered by a licensed engineer and require his/her seal.
- E. All illuminated signs in all zones shall be designed in such a manner as to avoid undue glare or reflection of light on private property or the public right-of-way in the surrounding area. All lighting for signage shall comply with the City Lighting Ordinance chapter of this title.
- F. In order to minimize glare, and except as otherwise expressly permitted, internally illuminated cabinet signs with white translucent background plex shall not be permitted. If utilized, white background plex shall be opaque (day/night flex).
- G. All temporary and permanent signs shall be maintained in the condition that existed at the time it was approved and installed, including the maintenance of paint, text copy, illumination and fixtures (if any), and plex, plastic, or vinyl covers.
- H. The supporting members of a sign shall be free of any unneeded angle iron, guy wires, cables, or similar supporting devices. The support shall appear to be an architectural and integral part of the building or structure.
- I. Every sign erected in the city shall be subject to inspection by the building department for compliance with applicable city codes and ordinances.

9.62.130 Appeals

- A. Matters of interpretation. Except as expressly reserved for determination by the city council or planning commission, and excluding code enforcement conducted pursuant to other provisions of the Cathedral City Municipal Code, all questions of interpretation of the provisions of this chapter, including objection to actions by planning department staff, shall first be submitted to the city planner for decision as an administrative matter, with no public hearing required.
- B. Right to appeal. Any aggrieved party may appeal a decision of the city planner to the planning commission. Any decision by the planning commission made subject to the provisions of this chapter may be appealed by the aggrieved person to the city council for public hearing and decision pursuant to Chapter 2.04 of the Cathedral City Municipal Code. The city council's decision is final as to the city, but is subject to judicial review.
- C. Perfecting appeal; time limit for appeal. An appeal pursuant to this section is effective when notice thereof is delivered to the city clerk within ten (10) calendar days of when the appeal right arises, on a form provided by the planning department, accompanied by any applicable appeal fee in an amount set by resolution of the city council, signed by the appellant, identifying the matter or decision appealed from, and stating the grounds of appeal.
- D. When appeal right arises. The right to appeal pursuant to this section arises at the earliest of (i) when written notice of the city planner's administrative decision is personally delivered or mailed to the applicant, (ii) when an appellate decision is made by vote of the appellate body in a duly noticed public hearing on the matter, (iii) when written notice of the decision is delivered or mailed to the applicant or appellant, or (iv) at the expiration of the time in which the city planner or appellate body is required to make a decision.
- E. Timeliness of decision; waiver of time. At each stage of review pursuant to this section, all decisions shall be made within thirty calendar days of when the permit application is complete, the request for interpretation has been received, or when the appeal has been timely and properly filed. When any such decision is not made within the required time, and the applicant or appellant does not waive time, then the application or appeal shall be deemed denied, and the applicant or appellant shall have the immediate right to appeal or, if no further administrative appeal is available, to seek judicial review. The timeliness requirement may be waived by the applicant or appellant.
- F. Maintenance of status quo. While any decision pursuant to this section is pending, the status quo shall be maintained until the review or appeal has run its full course, unless the subject sign is in such physical condition that it presents a serious and immediate threat to the public health and safety, in which case it may be abated as a public nuisance pursuant to any other applicable provision of the Cathedral City Municipal Code.

- G. Appeals, hearing and decision. When any decision is timely appealed to the planning commission or city council pursuant to this section, the appellate body shall hold a duly noticed public hearing on the matter, hear arguments and take evidence, and decide the matter within the required time period, unless the applicant or appellant waives time. The decision shall be in writing and shall state facts from the record which support any findings made.
- H. Judicial review. Following exhaustion of all available appellate procedures within the city, any applicant or appellant may seek judicial review of the city's final decision pursuant to California Code of Civil Procedure § 1094.8 or other applicable provisions.

9.62.140 Violation of Chapter

- A. Nuisance. Any violation of the provisions of this chapter by any person responsible for committing, causing or maintaining such violation, shall constitute a public nuisance which shall be subject to the provisions of Title 13 of the Cathedral City Municipal Code. Any person violating the provisions in this chapter, or violating any conditions of a sign permit or other approval, shall be subject to the provisions set forth in Section 1.01.205 of the Cathedral City Municipal Code.
- B. Modification, suspension and/or revocation of validly issued permit. A violation of any provision of this chapter by the holder of a validly issued permit and/or other city authorization granted pursuant to this or any other chapter shall constitute grounds for modification, suspension and/or revocation of said permit and/or authorization pursuant to the provisions set forth in Chapter 13.150. Judicial review of any such administrative determination made pursuant to Chapter 13.150 shall be eligible for expedited judicial review pursuant to California Code of Civil Procedure section 1094.8.
- C. Infraction. Any violation of this chapter by any person responsible for committing, causing or maintaining such violation shall constitute an infraction violation and the violator shall be subject to the provisions set forth in Chapter 13.65 of the Cathedral City Municipal Code, including, but not limited to, the imposition of any and all criminal penalties set forth therein.
- D. Administrative Citation. In lieu of issuing an infraction citation, the city may issue an administrative citation, pursuant to Chapter 13.58 of the Cathedral City Municipal Code, to any person responsible for committing, causing or maintaining the subject violation. The issuance of an administrative citation shall not preclude the city from also issuing an infraction citation upon the occurrence of the same subject offense on a separate day.
- E. Administrative Fines. Any person issued an administrative citation under this chapter, for each separate violation, shall be subject to a fine as follows: (a) an administrative fine in an amount not to exceed one hundred dollars for the first violation; (b) an administrative fine in an amount not to exceed two hundred fifty dollars for a second

violation of the same offense within a twelve (12) month period of the date of the first offense; and (c) a fine in an amount not to exceed five hundred dollars for a third and any subsequent violation of the same offense within a twelve (12) month period of the date of the first offense.

- F. Additional Penalties. Nothing in this chapter shall preclude the city from pursuing any other applicable remedies available in law or equity.

Section 3. **APPROVAL OF NEGATIVE DECLARATION**

Based upon the initial study, the negative declaration, the comments received thereon, and the record before the City Council, the City Council hereby finds that the negative declaration prepared for the project represents the independent judgment of the City and that there is no substantial evidence that the approval of the project may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Planning and are in the custody of the City Planner. The City Council hereby approves the negative declaration prepared for the project.

Section 4. **SEVERABILITY**

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 5. **REPEAL OF CONFLICTING PROVISIONS**

All the provisions of the Cathedral City Municipal Code as heretofore adopted that are in conflict with the provisions of this ordinance are hereby repealed.

Section 6. **EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days after its second reading by the City Council.

Section 7. **POSTING**

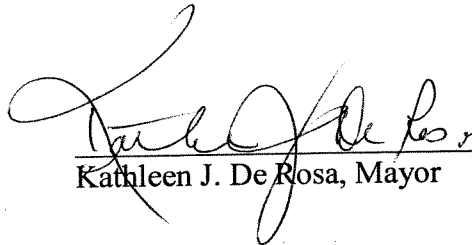
The City Clerk shall within 15 days after passage of this Ordinance, cause it to be posted in at least three (3) designated public places; shall certify to the adoption and posting of this

Ordinance; and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of this City.


Section 8. CERTIFICATION

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on May 13, 2009 by the following vote:


Ayes: 5 Marchand, Pettis, Vasquez, England, DeRosa
Noes: 0
Abstain: 0
Absent: 0


Kathleen J. De Rosa, Mayor

ATTEST:


Pat Hammers, City Clerk

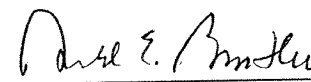
APPROVED AS TO CONTENT:


Leisa Lukes,
City Planner

APPROVED AS TO FORM:


Charles R. Green, City Attorney

Reviewed by:


Donald E. Bradley, City Manager

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